

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

HAROLD SIMMONS

CIVIL ACTION NO. 07-1653-A

-vs-

JUDGE DRELL

**TIM WILKINSON, WARDEN, WINN
CORRECTIONAL CENTER**

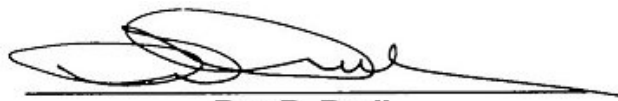
MAGISTRATE JUDGE KIRK

ORDER

In consideration of the objections by petitioner and his recitation of the "right to counsel" for parolees' provisions of Louisiana law, La. R.S. 15:574.9 and La. R.S. 15:149 (now renumbered as R.S. 15:179), the Court cannot determine from this record whether petitioner indeed was ENTITLED to counsel in his particular parole hearing.

Accordingly, the Report and Recommendation is not adopted at this time. This case is returned to the Magistrate Judge for further consideration and determination whether, on the merits, and on the issue of timeliness, this application should be denied.

SIGNED on this 29th day of November, 2007, at Alexandria, Louisiana.



Dee D. Drell
United States District Judge